

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Amendment, claims 1, 2, 5, 9-14, 18-22, 25, 29-34, 38-43, 45 and 46 are pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

Applicant thanks the Examiner for indicating that claims 1, 2, 5, 9-14, 18-22, 25, 29-34, 38-43 are allowed.

I. Rejection under 35 U.S.C. § 112, second paragraph

Claims 45 and 46 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular, the Examiner asserts that in part (b) of claims 45 and 46, the phrase “insertion of blank data of equal length to any data lost” conflicts with the phrase “information on the changed length is transmitted” because the total length, including the length of the replacement blank data, is unchanged.

Applicant respectfully submits that the Examiner’s position is incorrect. As discussed in the specification at page 9, lines 7-10, “[w]hen the last divided RLP data set is lost, the length cannot be found. Therefore, a length of blank data equal to the length of the second-to-last RLP data set is inserted, and the data and information on the changed length are transmitted to the upper layer.” Accordingly, when the last protocol unit is missing from the received protocol units, the length of the last protocol unit is unknown, and thus the total length of the data before

the blank data is inserted is different than the total length of the data after the blank data is inserted.

Nonetheless, Applicant has amended claims 45 and 46, as well as claims 12-14, to improve clarity by reciting that “blank data of a length equal to a length of a preceding divided protocol data” is inserted. Further, claims 12-14 have been similarly amended.

Accordingly, the Examiner is requested to remove the § 112, second paragraph, rejection.

II. Prior Art Rejection

Claims 45 and 46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Terho (USP 6,507,590) in view of Sen (USP 6,556,556), and in further view of Nakagaki (USP 5,657,316).

Claims 45 and 46 were added in the October 15, 2004 Amendment to capture the allowable subject matter of claims 12-14. However, claims 45 and 46 were rejected, presumably because they did not include all of the limitations of claims 12 and 14, i.e., claims 45 and 46 did not recite “the data and information on the changed length is transmitted”. Although this limitation was subsequently added to the claims in the July 1, 2005 Amendment, the Examiner has maintained the rejection because the Examiner contends “[i]t is understood that the data and information (with overall unchanged length) is transmitted.”

By this Amendment, Applicant has amended claims 45 and 46 to recite that “if it determined that data in a last divided protocol unit is lost such that a length of the last divided protocol unit is unknown, inserting blank data of a length equal to a length of a preceding

divided protocol data into a part corresponding to the lost data to re-form the entire collection of data, and then the data and information on the changed length is transmitted.” Applicant respectfully submits that the cited references do not teach or suggest this feature of the amended claims.

Nakagaki simply discloses inserting dummy data, i.e., all zeros, for lost cells without transmitting information on the changed length. Contrary to the Examiner’s position regarding the length of the data being unchanged, when the last protocol unit is missing from the received protocol units, the total length of the received data before the blank data is inserted is different than the total length of the data after the blank data is inserted. Further, Nakagaki does not teach or suggest inserting blank data of a length equal to a length of a preceding divided protocol data.

Similarly, the other cited references do not teach or suggest these features of the amended claims which are missing from Nakagaki.

Accordingly, Applicant respectfully submits that claims 45 and 46 would not have been rendered obvious in view of Terho, Sen and Nakagaki because the cited references, alone or in combination, do not teach or suggest all of the features of the claims.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

AMENDMENT UNDER 37 C.F.R. § 1.111
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Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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